

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PEDRO C. YUZON and SALVACION YUZON, individually, BRYAN MUSICAR, individually, and MAIN STREET RESPONSE, L.L.C., an Illinois limited liability company,

2:10-CV-1473 JCM (LRL)

Plaintiffs,

V.

INDYMAC BANK, F.S.B., et al.,

## Defendants.

## ORDER

Presently before the court is plaintiff Pedro and Salvacion Yuzon, Main Street Response, LC, and Bryan Musicar's motion for temporary restraining order to prevent defendants Indymac Bank and Regional Trustee Services Corporation from completing a non-judicial trustee sale scheduled for Tuesday, August 31, 2010, at 10 AM regarding real property located at 10920 Cardinal Crest Lane, Las Vegas, Nevada 89144. (Doc. #2).

According to Federal Rule of Civil Procedure 65, a court may issue a temporary restraining order when the moving party provides specific facts showing that immediate and irreparable injury, loss, or damage will result before the adverse party's opposition to a motion for preliminary injunction can be heard. The Supreme Court has stated that courts must consider the following factors in determining whether to issue a temporary restraining order and preliminary injunction: (1) likelihood of success on the merits; (2) possibility of irreparable injury if preliminary relief is not

1 granted; (3) balance of hardships; and (4) advancement of the public interest. *Winter v. N.R.D.C.*,  
2 129 S. Ct. 365, 374–76 (2008).

3 Here, plaintiffs claim that the defendant-lender has failed to provide “a proper valuation of  
4 the property and to identify to plaintiffs the exact amounts due under the Mortgage.” (Doc. #1,  
5 compl. at ¶ 23). However, plaintiffs have not presented evidence that they have or are continuing to  
6 make payments under the terms of the mortgage agreement. Thus, the court finds that the plaintiffs  
7 have not demonstrated a likelihood of success on the merits nor have they demonstrated irreparable  
8 injury as required under Federal Rule of Civil Procedure 65.

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs’ motion for a  
10 temporary restraining order (doc. #2) be, and the same hereby is, DENIED without prejudice.

11 DATED August 31, 2010.

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UNITED STATES DISTRICT JUDGE  
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